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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: David W. JOHNSON <i>et al.</i> |) | |
| |) | |
| Application No.: 10/698,424 |) | Group Art Unit: 1632 |
| |) | |
| Filed: November 3, 2003 |) | Examiner: Unassigned |
| |) | |
| For: ALFALFA PLANTS HAVING IMPROVED |) | |
| STANDABILITY AND/OR FAST RECOVERY |) | |
| AFTER HARVEST AND METHODS FOR |) | |
| PRODUCING SAME |) | |

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe a fee is due for filing this Information Disclosure Statement.

Copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.


This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the examiner applies a document as "prior art" against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **September 29, 2004**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
Telephone: (202) 739-3000
Facsimile: (202)-739-3001

Respectfully submitted
Morgan, Lewis & Bockius LLP


Erich E. Veitenheimer
Registration No. 40,420

